

**REMARKS**

**Rejections Under 35 U.S.C. § 103 (a)**

Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. § 103(a) over Singh et al., “Electing Good Leaders”, Journal of Parallel and Distributed Computing, pp. 184-201, (hereinafter referred to as “Singh”) in view of U.S. Patent No. 6,594,044 B1 to Buchanan et al. (hereinafter “Buchanan”).

Regarding Claim 1, the Examiner admitted that “Singh does not specifically disclose voting is performed by sending a leadership claim message including a priority claim at an interval determined by strength of a claim a candidate has on becoming the group leader.” The Examiner erroneously indicated that “Buchanan discloses voting is performed by sending a leadership claim message including a priority claim at an interval (i.e., predetermined time period) determined by strength of a claim a candidate has on becoming the group leader (306, fig. 3; col. 6, lines 4-9 and 18-27).”

Applicants respectfully submit that contrary to the Examiner’s characterization, Buchanan describes merely an unspecified type of leader calculation state in which a leader is elected based on an address, for example, the highest address network element. The referenced section of Buchanan recites:

In the leader calculation state, 306, the NE sorts all the MAC addresses including those received from the other NEs AIRP\_Hello\_Ack messages and its own MAC address and “elects” a leader based on the addresses. For example, the NE having the highest address may be used as the leader, if the NE itself has the maximum MAC address, it is assumed elected and proceeds to step 312 where it operates as a leader. Otherwise, the NE proceeds to step 310 where it operates as a non-leader. If the NE receives an AIRP\_Hello message, it returns an AIRP\_Hello\_Ack message.

Applicants respectfully submit that, among other things, this reference in no way teaches or suggests the claim element in Claim 1 which recites “said set of servers electing one server of said set to become said new leader by voting wherein voting is performed by sending a

leadership claim message including a priority claim at an interval determined by strength of a claim a candidate has on becoming the group leader.” Applicants respectfully submit that the Examiner has misinterpreted Buchanan in asserting that “Buchanan discloses voting is performed by sending a leadership claim message...at an interval (i.e. predetermined time period)...”. Buchanan teaches nothing about sending a message at an interval determined by strength of a claim. Buchanan in no way relates any type of time interval to any type of claim strength of a candidate.

Since neither Singh nor Buchanan or any combination thereof teaches or suggests each and every element in Claim 1, Applicants respectfully submit that the Examiner has not made out the case of *prima facie* obviousness under 35 U.S.C. § 103(a). Applicants submit that the rejections of Claims 1, 2, 6 and 7 are improper and should be withdrawn.

Claims 8-10, 12 and 13 are rejected under 35 U.S.C. § 103(a) over Buchanan in view of Singh. Applicants submit that Claim 8 is amended herein to recite “wherein voting is performed by sending a leadership claim message including a priority claim at an interval determined by strength of a claim a candidate has on becoming the group leader.” Applicants respectfully submit that Claim 8 as amended overcomes the Examiner’s rejection under 35 U.S.C. § 103(a) of Claims 8-10, 12 and 13 for the reasons set forth hereinbefore with respect to Claim 1. Accordingly, Applicants respectfully request the Examiner to withdraw his rejections of Claims 8-10, 12 and 13.

Claims 14 and 16-20 are rejected under 35 U.S.C. § 103(a) over Buchanan in view of Singh and further in view of U.S. Patent No. 5,938,732 to Lim et al. (hereinafter “Lim”). The Examiner indicated that Claim 14 is rejected for the same reasons set forth in Claim 8 above and the additional reasons that “Lim discloses each member sending a registration message to said group leader (col. 5, lines 1-6 and 61-65; col. 6, lines 40-45)” and “Lim discloses said group leader multicasting a registration report including an identifier corresponding to each registered member (col. 9, lines 21-31 and 35-44).” Claim 14 is amended herein to recite “wherein voting is performed by sending a leadership claim message including a priority claim at an interval determined by strength of a claim a candidate has on becoming the group leader.” For the

reasons set forth hereinbefore with respect to Claim 1, Applicants respectfully submit that no combination of Singh, Buchanan or Lim teaches or suggests each and every element of Claim 14 as amended. Applicants respectfully submit that the Examiner's rejections of Claims 14 and 16-20 under 35 U.S.C. § 103(a) are overcome. Applicants respectfully request the Examiner to withdraw these rejections.

Applicants gratefully acknowledge the Examiner's allowance of Claim 11 and indication that Claims 3-5 contain allowable material. Applicants request that the objections to Claims 3-5 be held in abeyance pending the ultimate disposition of Claim 1 after which Claim 3 may be amended if necessary.

**CONCLUSION**

In view of the foregoing remarks, it is respectfully submitted that Claims 1-14 and 16-20 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited. If the examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369.

Respectfully submitted,

28 June 2004  
Dated:

Brian Michaelis

Brian L. Michaelis, Esq.  
Reg. No. 34,221  
Customer No. 21710  
Attorney for Applicants

**BROWN RUDNICK BERLACK ISRAELS LLP**  
Box IP, 18th Floor  
One Financial Center  
Boston, MA 02111  
Tel: 617-856-8369  
Fax: 617 856-8201